

By: Landgraf, Phelan, Cyrier, Burns, Dean,
et al.

H.B. No. 888

A BILL TO BE ENTITLED

1 AN ACT

2 relating to creating the criminal offense of misrepresenting a
3 child as a family member at a port of entry and providing certain
4 benefits to the misrepresented child.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 531, Government Code, is
7 amended by adding Section 531.0991 to read as follows:

8 Sec. 531.0991. AUTOMATIC PROVISION OF MEDICAID BENEFITS.
9 To the extent permitted by federal law and regardless of the
10 nationality of the child, the commission shall ensure a child who is
11 used in the commission of an offense under Section 37.082, Penal
12 Code, is provided Medicaid benefits.

13 SECTION 2. Chapter 37, Penal Code, is amended by adding
14 Section 37.082 to read as follows:

15 Sec. 37.082. MISREPRESENTING CHILD AS FAMILY MEMBER AT PORT
16 OF ENTRY. (a) In this section:

17 (1) "Child" means a person younger than 18 years of
18 age.

19 (2) "Family member" means a person who is related to
20 another person by consanguinity or affinity.

21 (3) "Port of entry" means a place designated by
22 executive order of the president of the United States, by order of
23 the United States secretary of the treasury, or by act of the United
24 States Congress at which a customs officer is authorized to enforce

1 customs laws.

2 (b) A person commits an offense if the person, with intent
3 to engage in trafficking of persons, as defined by Section 20A.02,
4 knowingly misrepresents a child as a family member of the person to
5 a peace officer or federal special investigator at a port of entry.

6 (c) An offense under this section is a Class B misdemeanor.

7 (d) If conduct that constitutes an offense under this
8 section also constitutes an offense under another law, the actor
9 may be prosecuted under this section, the other law, or both.

10 SECTION 3. This Act takes effect September 1, 2019.